

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HSBC TRINKHAUS & BURKHARDT AG,
Plaintiff(s),

CASE NO. 07- cv-8208-RJH

-against-

AFFIDAVIT OF SERVICE

VIVENDI, S.A., **ET AL.**,

Defendant(s).

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STATE OF NEW YORK)

: S.S.

COUNTY OF NEW YORK)

JASON AGEE, being duly sworn, deposes and says that he is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

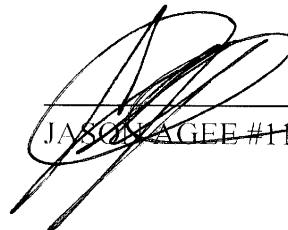
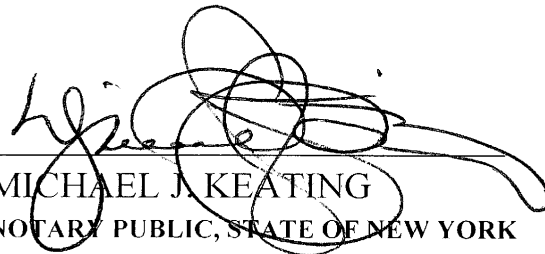
That on the 31st day of October, 2007, at approximately 12:16 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION and CORRECTED COMPLAINT** upon Jean-Marie Messier c/o Messier Partners, LLC at One Rockefeller Plaza, Suite 1502, New York, New York 10020 by personally delivering and leaving the same with Franca Efangan, who is a person of suitable age and discretion, at that address, the actual place of business of the defendant. At the time of service deponent asked whether the defendant is in active military service for the United States or for the State in any capacity whatsoever or dependent upon such person and received a negative reply.

Franca Efangan is a white female, approximately 38 years of age, is approximately 5 feet and 7 inches tall, weighs approximately 120-125 pounds, with medium length black hair and dark eyes.

That on the 2nd day of November, 2007 deponent served another copy of the foregoing upon the defendant by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney or concerns a legal matter, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

Jean-Marie Messier
c/o Messier Partners, LLC
One Rockefeller Plaza, Suite 1502
New York, New York 10020

Sworn to before me this
2nd day of November, 2007


JASON AGEE #1196790
MICHAEL J. KEATING
NOTARY PUBLIC, STATE OF NEW YORK
Reg. No. 01-KE-4851559
Qualified in New York County
Commission expires February 3, 2010

UNITED STATES DISTRICT COURT

Southern

District of

New York

HSBC TRINKAUS & BURKHARDT AG

SUMMONS IN A CIVIL ACTION

V.

VIVENDI, S.A., JEAN-MARIE MESSIER
and GUILLAUME HANNEZO

CASE NUMBER: 07-cv-8208-RJH

TO: (Name and address of Defendant)

Jean-Marie Messier
c/o Messier Partners, LLC
One Rockefeller Plaza
Suite 1502
New York, NY 10020

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Stuart M. Grant
James J. Sabella
GRANT & EISENHOFER P.A.
485 Lexington Avenue
29th Floor
New York, NY 10017

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

OCT 29 2007

CLERK

Mano Quintero

(By) DEPUTY CLERK

DATE